

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**IN RE: REALPAGE, INC., RENTAL
SOFTWARE ANTITRUST LITIGATION
(NO. II)**

)
)
) **Case No. 3:23-md-3071**
) **MDL No. 3071**
)

) **This Document Relates to:**
) **3:23-cv-00742**
) **3:23-cv-00979**

**DEFENDANT APARTMENT INCOME REIT CORP.'S AND PLAINTIFFS' JOINT
MOTION TO STAY RESOLUTION OF AIR'S RENEWED MOTION TO DISMISS
PLAINTIFFS' SECOND AMENDED CONSOLIDATED CLASS ACTION COMPLAINT**

Defendant Apartment Income REIT Corp. (“AIR”) and Plaintiffs (together with AIR, the “Parties”) respectfully move the Court to stay resolution of AIR’s Renewed Motion to Dismiss Plaintiffs’ Second Amended Consolidated Class Action Complaint (“Motion to Dismiss”) through Monday, February 5, 2024. [ECF No. 695, 696]. Although AIR’s Motion to Dismiss is now ripe for the Court’s consideration, the Parties are discussing resolution of this matter, which would moot the need to decide AIR’s Motion to Dismiss.

MOTION

On January 8, 2024, AIR filed its Motion to Dismiss. On January 22, 2024, Plaintiffs filed their Memorandum of Law in Opposition of AIR’s Motion to Dismiss the Second Amended Complaint. [ECF No. 707]. On January 29, 2024, AIR filed its Reply in Support of its Renewed Motion to Dismiss. [ECF No. 709]. Thus, AIR’s Motion to Dismiss is ripe for the Court’s consideration and decision.

Pursuant to Fed. R. Civ. P. 1, the Federal Rules of Civil Procedure “should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.” Recently, the Parties have engaged in good faith negotiations that may result in the resolution of all cases that Plaintiffs have brought against AIR. These negotiations are confidential and remain ongoing. Should the Parties reach a resolution, a decision on AIR’s Motion to Dismiss would be moot. A brief stay as requested in this motion will not impact the overall progress of this matter or any other deadlines involving the other parties to the case. As a result, to give the Parties the opportunity for further discussions and to resolve this matter without Court intervention, the Parties respectfully request that the Court stay any decision on AIR’s Motion to Dismiss until, at the earliest, Monday, February 5, 2024. If the Parties reach an agreement in principle, they will promptly notify the court by filing a notice of settlement.

Dated: January 29, 2024

Respectfully submitted,

/s/ Kathryn A. Reilly

Kathryn A. Reilly
Michael T. Williams
Judith P. Youngman
Wheeler Trigg O'Donnell LLP
370 Seventeenth Street, Suite 4500
Denver, CO 80202
Telephone: 303.244.1800
Facsimile: 303.244.1879
Email: reilly@wtotrial.com
williams@wtotrial.com
youngman@wtotrial.com

And

Mark Bell
Holland & Knight LLP
511 Union Street, Suite 2700
Nashville, Tennessee 37219
Telephone: 615.244.6380
Email: mark.bell@hklaw.com

Attorneys for Apartment Income REIT Corp.

Dated: January 29, 2024

/s/ Swathi Bojedla

Tricia R. Herzfeld (#26014)
Anthony A. Orlandi (#33988)
**HERZFELD SUETHOLZ GASTEL
LENISKI AND WALL, PLLC**
223 Rosa L. Parks Avenue, Suite 300
Nashville, TN 37203
Telephone: (615) 800-6225
tricia@hsglawgroup.com
tony@hsglawgroup.com

Liaison Counsel

Patrick J. Coughlin
Carmen A. Medici
Fatima Brizuela

**SCOTT+SCOTT ATTORNEYS AT LAW
LLP**

600 West Broadway, Suite 3300

San Diego, CA 92101

Telephone: (619) 798-5325

Facsimile: (619) 233-0508

pcoughlin@scott-scott.com

cmedici@scott-scott.com

fbriзуela@scott-scott.com

Patrick McGahan

Michael Srodoski

G. Dustin Foster

Isabella De Lisi

**SCOTT+SCOTT ATTORNEYS AT LAW
LLP**

156 South Main Street

P.O. Box 192

Colchester, CT 06145

Telephone: (860) 537-5537

Facsimile: (860) 537-4432

pmcgahan@scott-scott.com

msrodoski@scott-scott.com

gfooster@scott-scott.com

idelisi@scott-scott.com

Stacey Slaughter

Thomas J. Undlin

Geoffrey H. Kozen

Stephanie A. Chen

J. Austin Hurt

ROBINS KAPLAN LLP

800 LaSalle Avenue, Suite 2800

Minneapolis, MN 55402

Telephone: (612) 349-8500

Facsimile: (612) 339-4181

sslaughter@robinskaplan.com

tundlin@robinskaplan.com

gkozen@robinskaplan.com

schen@robinskaplan.com

ahurt@robinskaplan.com

Swathi Bojedla
Mandy Boltax
HAUSFELD LLP
888 16th Street, N.W., Suite 300
Washington, DC 20006
Telephone: (202) 540-7200
sbojedla@hausfeld.com
mboltax@hausfeld.com

Gary I. Smith, Jr.
Joey Bui
HAUSFELD LLP
600 Montgomery Street, Suite 3200
San Francisco, CA 94111
Tel: (415) 633-1908
gsmith@hausfeld.com

Katie R. Beran
HAUSFELD LLP
325 Chestnut Street, Suite 900
Philadelphia, PA 19106
Telephone: 1 215 985 3270
kberan@hausfeld.com

Interim Co-Lead Counsel

Eric L. Cramer
Michaela L. Wallin
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, PA 19103
Telephone: (215) 875-3000
ecramer@bm.net
mwallin@bm.net

Daniel J. Walker
BERGER MONTAGUE PC
2001 Pennsylvania Avenue, NW, Suite 300
Washington, DC 20006
Telephone: (202) 559-9745
dwalker@bm.net

Brendan P. Glackin
Dean M. Harvey
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
275 Battery Street, Suite 2900
San Francisco, CA 94111
Telephone: 415-956-1000
bglackin@lchb.com
dharvey@lchb.com

Mark P. Chalos
Hannah R. Lazarz
Kenneth S. Byrd
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
222 2nd Avenue South, Ste. 1640
Nashville, TN 37201
(615) 313-9000
mchalos@lchb.com
hlazarz@lchb.com
kbyrd@lchb.com

Steve W. Berman
Breanna Van Engelen
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Second Avenue, Suite 2000
Seattle, Washington 98101

Christian P. Levis
Vincent Briganti
Peter Demato
Radhika Gupta
LOWEY DANNENBERG, P.C.
44 South Broadway, Suite 1100
White Plains, NY 10601
Telephone: (914) 997-0500
Facsimile: (914) 997-0035
vbriganti@lowey.com
clevis@lowey.com
pdemato@lowey.com
rgupta@lowey.com

Christopher M. Burke
Walter W. Noss
Yifan (Kate) Lv
KOREIN TILLERY P.C.
707 Broadway, Suite 1410
San Diego, CA 92101
Telephone: (619) 625-5621
Facsimile (314) 241-3525
cburke@koreintillery.com
[wnoss@koreintillery.com](mailto:wnoos@koreintillery.com)
klv@koreintillery.com

Joseph R. Saveri
Steven N. Williams
Cadio Zirpoli
Kevin E. Rayhill
JOSEPH SAVERI LAW FIRM, LLP
601 California Street, Suite 1000
San Francisco, CA 94108
Telephone: (415) 500-6800
jsaveri@saverilawfirm.com
swilliams@saverilawfirm.com
czirpoli@saverilawfirm.com
krayhill@saverilawfirm.com

Jennifer W. Sprengel
Daniel O. Herrera
Alexander Sweatman
CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP

Telephone: (206) 623-7292
Facsimile: (206) 623-0594
steve@hbsslaw.com
breannav@hbsslaw.com

Benjamin J. Widlanski
Javier A. Lopez
**KOZYAK TROPIN &
THROCKMORTON LLP**
2525 Ponce de Leon Blvd., 9th Floor
Coral Gables, Florida 33134
Telephone: (305) 372-1800
bwidlanski@kttlaw.com
jal@kttlaw.com

135 S. LaSalle, Suite 3210
Chicago, IL 60603
Telephone: 312-782-4880
Facsimile: 312-782-4485
jsprengel@caffertyclobes.com
dherrera@caffertyclobes.com
asweatman@caffertyclobes.com

*Plaintiffs' Steering Committee Counsel for
Plaintiffs*

CERTIFICATE OF SERVICE (CM/ECF)

I HEREBY CERTIFY that on January 29, 2024, I electronically filed the foregoing
**Defendant Apartment Income REIT Corp.'s and Plaintiffs' Joint Motion to Stay
Resolution of AIR's Renewed Motion to Dismiss Plaintiffs' Second Amended Consolidated
Class Action Complaint** with the Clerk of Court using the CM/ECF system which will send
notification of such filing to all counsel of record:

/s/ Kathryn A. Reilly